

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT
TACOMA

MAX VEKICH,

Plaintiff,

v.

ORIENT TARGET SHIPPING CO. LTD;
INTERIORIENT MARINE SERVICES
LTD;
INTERIORIENT MARINE SERVICES
(USA), INC., D.B.A. INTERIORIENT
NAVIGATION (USA) INC. and D.B.A.
INTERIORIENT SHIP MANAGEMENT,
INC.;
DAMPSKIBSSELSKABET NORDEN A/S;
and
NORDEN TANKERS & BULKERS (USA)
INC.; owners/operators/agents/charterers
of the M/V ORIENT TARGET,

Defendants.

IN ADMIRALTY

NO.

COMPLAINT FOR PERSONAL
INJURIES AND DAMAGES
[WITH JURY DEMAND]

COMES NOW THE PLAINTIFF, MAX VEKICH, by and through his
attorneys, Ron Meyers and Ken Gorton of Ron Meyers & Associates PLLC and Lance
Palmer of Kraft Palmer Davies, PLLC, and for causes of action against defendants,
alleges as follows:

COMPLAINT FOR PERSONAL INJURIES AND
DAMAGES - 1

KRAFT PALMER DAVIES P.L.L.C.
1001 FOURTH AVENUE, SUITE 4131
SEATTLE, WA 98154-1155
(206) 624-8844
fax (206) 624-2912

1
2 1. JURISDICTION. This is an *in personam* claim for personal injuries sustained by a
3 Longshore and Harbor Workers' Compensation Act (LHWCA) employee on navigable
4 waters of the United States at Grays Harbor County, Washington against the owners/
5 operators/agents/charterers of a merchant vessel. Jurisdiction is vested in this court
6 under the General Admiralty Law, 28 U.S.C. § 1333(1), Rule 9(h) of the Federal Rules
7 of Civil Procedure, and 33 U.S.C. § 905(b). The amount in controversy exceeds
8 \$75,000.
9

10 2. VENUE. Venue is proper in the Tacoma Division of the U.S. District Court for the
11 Western District of Washington because the injury took place in Grays Harbor County.

12 3. PARTIES.

13 3.1. At all times material, plaintiff MAX VEKICH was a resident of King County,
14 Washington.

15 3.2 At all times material, defendant ORIENT TARGET SHIPPING CO. LTD was the
16 owner/operator/charterer and/or the agent for the owner/operator/charterer of the M/V
17 ORIENT TARGET.
18

19 3.3 At all times material, defendant ORIENT TARGET SHIPPING CO. LTD has been
20 based in Limassol, Cyprus.

21 3.4 At all times material, defendant ORIENT TARGET SHIPPING CO. LTD has done
22 business in Grays Harbor County, Washington by operating the M/V ORIENT TARGET
23 in Grays Harbor County, Washington.
24

25 3.5 At all times material, defendant INTERORIENT MARINE SERVICES LTD
26 was the owner/operator/charterer and/or the agent for the owner/operator/charterer of
27 the M/V ORIENT TARGET.
28

1
2 3.6 At all times material, defendant INTERORIENT MARINE SERVICES LTD
3 has been based in Limassol, Cyprus.

4 3.7 At all times material, defendant INTERORIENT MARINE SERVICES LTD has done
5 business in Grays Harbor County, Washington by operating the M/V ORIENT TARGET
6 in Grays Harbor County, Washington.

7 3.8 At all times material, defendant INTERORIENT MARINE SERVICES (USA), INC.,
8 doing business as INTERORIENT NAVIGATION (USA) INC. and as INTERORIENT
9 SHIP MANAGEMENT, INC., was the owner/operator/charterer and/or the agent for the
10 owner/operator/charterer of the M/V ORIENT TARGET.
11

12 3.9 At all times material, defendant INTERORIENT NAVIGATION (USA) INC. has been
13 a Florida corporation based in Coral Gables, Florida.

14 3.10 At all times material, defendant INTERORIENT NAVIGATION (USA) INC. has
15 done business in Grays Harbor County, Washington by operating the M/V ORIENT
16 TARGET in Grays Harbor County, Washington.
17

18 3.11 At all times material, defendant DAMPSKIBSSELSKABET NORDEN A/S was the
19 owner/operator/charterer and/or the agent for the owner/operator/charterer of the M/V
20 ORIENT TARGET.

21 3.12 At all times material, defendant DAMPSKIBSSELSKABET NORDEN A/S has
22 been based in Hellerup, Denmark and incorporated in Denmark.

23 3.13 At all times material, defendant DAMPSKIBSSELSKABET NORDEN A/S has
24 done business in Grays Harbor County, Washington by operating the M/V ORIENT
25 TARGET in Grays Harbor County, Washington.
26
27
28

1
2 3.14 At all times material, defendant NORDEN TANKERS & BULKERS (USA) INC.
3 was the owner/operator/charterer and/or the agent for the owner/operator/charterer of
4 the M/V ORIENT TARGET.

5 3.15 At all times material, defendant NORDEN TANKERS & BULKERS (USA) INC. has
6 been a Delaware corporation based in Annapolis, Maryland.

7 3.16 At all times material, defendant NORDEN TANKERS & BULKERS (USA) INC. has
8 done business in Grays Harbor County, Washington by operating the M/V ORIENT
9 TARGET in Grays Harbor County, Washington.
10

11 4. LIABILITY.

12 4.1 On or about March 17, 2010, while working in the scope and course of his
13 employment as a Supercargo Clerk for Pasha Stevedoring & Terminals, plaintiff MAX
14 VEKICH was assigned to work on the M/V ORIENT TARGET, docked at Terminal 2 at
15 the Port of Grays Harbor for the purpose of taking on a cargo of soybean meal.

16 4.2 At that time and place, plaintiff MAX VEKICH was in the process of inspecting
17 hatches on the deck of the M/V ORIENT TARGET. In order to get to the hatches, he
18 had to ascend and descend a set of metal stairs that allowed passage from one side to
19 the other of a set of large pipes that ran horizontally across the deck of the M/V ORIENT
20 TARGET.
21

22 4.3 At that time and place, when plaintiff MAX VEKICH ascended the set of metal stairs
23 and reached the top step, his feet slipped out from under him and he fell down the
24 stairs, sustaining injuries..
25

26 4.4. At that time and place, the set of metal stairs was not equipped with handrails.
27
28

1
2 4.5 At that time and place, the surface of the metal stairs was wet, coated with soybean
3 meal dust, and unduly slippery as it did not have adequate non-skid materials applied
4 according to industry standards, applicable regulations, custom and practice.

5 4.6 At that time and place, the set of metal stairs was not properly constructed and/or
6 maintained according to industry standards, applicable regulations, custom and
7 practice, and was unsafe to the extent that it was foreseeable to defendants that
8 someone would likely fall on the stairs and be injured.

9
10 4.7 At that time and place, defendants' employees/agents, the crew of the M/V ORIENT
11 TARGET, knew or should have known that the surface of the metal stairs was wet and
12 coated with soybean meal dust, and should have taken steps to clean the surface of the
13 stairs and remediate the condition prior to plaintiff's fall, or to warn him of the hazardous
14 condition.

15 4.8 There was no contributory fault on the part of plaintiff MAX VEKICH.

16 4.9 There was no contributory fault on the part of non-parties.

17
18 5. DAMAGES.

19 5.1 As a direct and proximate result of the negligence of defendants and their
20 employees/agents, plaintiff MAX VEKICH sustained multiple rib fractures, loss of
21 consciousness, left and right shoulder damage, and leg, back, neck and head injuries.

22 5.2 As a direct and proximate result of the negligence of defendants and their
23 employees/agents, plaintiff MAX VEKICH has incurred medical expenses in the past for
24 treatment of his injuries and will incur additional expenses in the future.

25
26 5.3 As a direct and proximate result of the negligence of defendants and their
27 employees/agents, plaintiff MAX VEKICH has incurred additional losses for travel to and
28

1 from medical appointments, for household assistance, and for various appliances. He
 2 will incur additional losses in the future.
 3

4 5.4 As a direct and proximate result of the negligence of defendants and their
 5 employees/agents, plaintiff MAX VEKICH has incurred a wage loss the past and will
 6 incur future wage loss/loss of wage earning capacity.

7 5.5 As a direct and proximate result of the negligence of defendants and their
 8 employees/agents, plaintiff MAX VEKICH has suffered permanent physical impairment,
 9 and he has suffered pain, disability and loss of enjoyment of life in the past and will
 10 suffer pain, disability and loss of enjoyment of life in the future.
 11

12 6. JURY DEMAND. Pursuant to Fed.R.Civ.P. 81(c) and Local Civil Rules 38(b) and
 13 101(d), plaintiff MAX VEKICH demands a jury on all issues. Plaintiff's Jury Demand is
 14 timely and the proper fee has been paid.
 15

16 WHEREFORE, plaintiff prays for damages to be awarded against
 17 defendants in an amount to be determined by the presentation of evidence at the time
 18 of trial, together with prejudgment interest on the award, and taxable costs.

19 DATED this 11th day of February, 2013.
 20
 21

22 By: s/ Lance Palmer

23 Lance E. Palmer, WSBA #18141
 24 Kraft Palmer Davies, PLLC
 25 1001 Fourth Avenue, Suite 4131
 26 Seattle, WA 98154-1155
 27 Telephone: (206) 624-8844
 28 Fax: (206) 624-2912
 E-mail: LEP@admiralty.com
 Attorneys for Plaintiff